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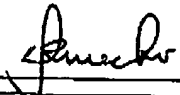
1. Response to Restriction Requirement (4 pages)

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Application Serial No. 09/531,743

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------|---|---|
| First Named Inventor | : | Steven Jeromy Carriere |
| Serial No. | : | 09/531,743 |
| Filed | : | March 21, 2000 |
| Art Unit | : | 3627 |
| Examiner | : | Andrew J. Fischer |
| Title | : | SYSTEM AND METHOD FOR FUNNELING USER RESPONSES IN AN INTERNET VOICE PORTAL SYSTEM TO DETERMINE A DESIRED ITEM OR SERVICE |
| Atty. Docket No. | : | QUAC0006 |

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**RESPONSE TO RESTRICTION REQUIREMENT
DATED 1-30-2006**

The Official Action mailed 1-30-2006 formally required restriction under 35 U.S.C. § 121. In response to this requirement, Applicants provisionally elect the

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invention of Group IV (claims 28-30), only for the purpose of furthering the prosecution of this patent application.

The requirement for restriction is traversed on the basis that the Examiner has not made the required showing to warrant restriction.

1. Search

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions. MPEP 803. The examiner has not demonstrated how there would be any serious burden to examine, for example, claim 1 (group I) and claim 9 (group II), which include substantial identical language. The same reasoning applies to claim 1 (group I) and claim 17 (group III), and to claim 9 (group II) and claim 17 (group III).

2. Independent Inventions

Furthermore, the restriction requirement is traversed since the examiner did not demonstrate that the claims contain two or more "independent" inventions. MPEP 802.01. Restriction is permitted only if an application contains two or more independent and distinct inventions. 35 USC 121.

As to the restriction between groups I/II, groups I/III, and groups II/III, the office action did not address the required independence of the claimed groups at all. Therefore, without more, the restriction requirement is improper.

As to groups I and IV, the office action misstates the law in regard to independence. "Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects." (emphasis added) [Office Action: page 4]

Two or more inventions are related (i.e., not independent) if they are disclosed as connected in at least one of design (e.g., structure or method of manufacture), operation (e.g., function or method of use), or effect. MPEP 802.01. Thus, the examiner must show that the inventions are unrelated in all of

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the following: design, operation, effect. MPEP 802.01, 806.06. The MPEP cites the following examples of independent inventions: an article of apparel and a locomotive bearing. Another example is a process of painting a house and a process of boring a well.

In this spirit, it is difficult to understand the office action's (unstated) reasoning that the stated claim groups are independent, since several of the claim groups use nearly identical language and therefore quite clearly evidence an operational connection. In fact, several of the claim groups present the same or similar subject matter in different claim modalities, e.g., system, means plus function, process, etc.

3. Examples

Furthermore, the restriction does not provide meaningful reasons and/or examples to support the conclusions stated therein. MPEP 803. For example, in paragraph 7, the examiner suggests that the method of group I can be practiced by another materially different apparatus than the system of group II, and namely, a system without a "user interface." However, claim 1 (of group I) requires "querying the user for an attribute value...", and as such, it is the examiner's duty to provide a more meaningful example of how the proposed system can query a user without a user interface (Internal or external to the claim) being involved. Relatedly, there is no showing that the presence or absence of a user interface in such a claim makes it material different. In the same respect, the examiner's reasons and/or examples are incomplete as to the independence of groups I and III.

4. Public Policy

In addition, it is in the interests of the Applicants, the Patent and Trademark Office, and the public to examine the inventions in one application. There will likely be considerable overlap in the examination and searching needed by the Office, or in the analysis of patents by the public, between applications or patents on the two inventions, as well as needless duplication of

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files by the Office. Additionally, of course, the Applicant is subjected to duplication of time, costs and Government fees.

Accordingly, the Applicant requests reconsideration and withdrawal or modification of the requirement under 37 CFR 1.143.

Applicant does not believe that filing of this Amendment will incur additional fees. However, the Commissioner is authorized to charge any fees due to the Glenn Patent Group Deposit Account No. 07-1445, Customer No. 22862. Applicant considers this document to be filed in a timely manner.

Respectfully Submitted,



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